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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,096	05/14/2001	Daniel A. Ford	ARC920000148US1	8606

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EXAMINER

QUINONES, ISMAEL C

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 02/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/855,096

Applicant(s)

FORD ET AL.

Examiner

Ismael Quiñones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement (IDS) submitted on May 14, 2001 has being considered by the examiner and made of record in the application file.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 11-18** are rejected under 35 U.S.C. 102(e) as being anticipated by Fomukong (U.S Pat. No. 6,441,752).

Regarding **claim 11**, Fomukong discloses a method comprising the steps of: computing a distance between a received location and the location of each of a plurality of wireless communication devices from a location database (A technique that reports the location of wireless communication devices within a specified geographic area upon a request from a communication source, wherein those wireless communication devices that provided their location are stored in a location list such as a database, and wherein the communication source provides

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its location and a specified geographic boundary, subsequently making an evaluation between said boundary and the distances of the wireless communication devices that lie in that boundary; *col. 2, lines 60-65; col. 7, lines 26-39; col. 9, lines 8-44; col. 4, lines 46-58*); comparing the distance with a list of preferences from a profile database (A profile database for means of storing information pertaining the wireless communication devices such as their location, number, and other relevant information, subsequently comparing such information with the location of a communication source; *col. 3, lines 38-42; col. 4, lines 46-58; col. 6, lines 5-7; col. 8, lines 23-25; col. 9, lines 8-44*); and sending the location and identifier of the plurality of wireless communication devices satisfying the list of preferences destined for reception at one of the plurality of wireless communication devices (Based on the specified location information the system/network provides to the communication source or at least one wireless communication device with the location of a plurality of wireless communication devices that are closest to the communication source in the geographic location area specified by the communication source; *col. 6, lines 56-60; col. 8, lines 22-25*).

Regarding **claim 12**, and as applied to claim 11, Fomukong discloses the aforementioned method, further comprising the step of: displaying the location and identifier of the plurality of wireless communication devices satisfying the list of preferences (A display to present the wireless communication device information related to the location of wireless communication devices that lie within an specified geographic region; *col. 4, lines 50-52; col. 8, lines 38-39*).

Regarding **claim 13**, Fomukong discloses a method comprising the steps of: computing a distance between a received location and the location of each of a plurality of wireless communication devices from a location database (A technique that reports the location of wireless communication devices within a specified geographic area upon a request from a communication source, wherein those wireless communication devices that provided their location are stored in a location list such as a database, and wherein the communication source provides its location and a specified geographic boundary, subsequently making an evaluation between said boundary and the distances of the wireless communication devices that lie in that boundary; *col. 2, lines 60-65; col. 7, lines 26-39; col. 9, lines 8-44; col. 4, lines 46-58*); comparing the distance with a list of preferences from a profile database (A profile database for means of storing information pertaining the wireless communication devices such as their location, number, and other relevant information, subsequently comparing such information with the location of a communication source; *col. 3, lines 38-42; col. 4, lines 46-58; col. 6, lines 5-7; col. 8, lines 23-25; col. 9, lines 8-44*); and sending alert notification destined for reception at the plurality of wireless communication devices satisfying the list of preferences (A plurality of wireless communication devices page to reveal their location such as a notification or message; *col. 6, lines 3-5; col. 8, lines 1-3; col. 10, lines 19-25*).

Regarding **claim 14**, Fomukong discloses a method comprising the steps of: computing a distance between a received location indication of a wireless communication device and the location of at least one emergency service (A

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distressed user of a wireless communication device that request the location of at least one emergency service such as other wireless communication devices and in the process computing the distance between said distressed user and other wireless communication devices; *col. 2, lines 60-65; col. 7, lines 26-39; col. 9, lines 8-44; col. 4, lines 46-58*); comparing the distance with a proximity preference for the wireless communication device from a profile database (A profile database for means of storing information pertaining the wireless communication devices such as their location, number, and other relevant information, subsequently comparing such information with the location of a distressed mobile user; *col. 2, lines 12-18; col. 6, lines 5-7; col. 7, lines 22-37*); and sending an alert notification to one of the at least one emergency service satisfying the proximity preference for the wireless communication device (Based on the specified location information the system/network provides to the communication source or at least one wireless communication device with the location of a plurality of wireless communication devices that are closest to the communication source in the geographic location area specified by the communication source; *col. 6, lines 3-5 and lines 51-54; col. 7, lines 24-26; col. 8, lines 1-3; col. 10, lines 19-25*).

Regarding **claim 15**, and as applied to claim 14, Fomukong discloses the aforementioned method, wherein the at least one emergency service comprises at least an individual with wireless communication device (Wherein such emergency service might comprise a portable remote unit or a wireless communication device closest to the location of a distressed mobile user; *col. 7, lines 22-26*).

Regarding **claim 16**, Fomukong discloses a computer readable medium including computer instructions (Wherein the portable remote units or wireless communication devices comprise computer readable capabilities such as allocated memory means, control means, input means, and output means such as a display; *col. 4, lines 46-52*) for a communication system, the computer instructions comprising instructions for: computing a distance between a received location and the location of a plurality of wireless communication devices from a location database (A technique that reports the location of wireless communication devices within a specified geographic area upon a request from a communication source, wherein those wireless communication devices that provided their location are stored in a location list such as a database, and wherein the communication source provides its location and a specified geographic boundary, subsequently making an evaluation between said boundary and the distances of the wireless communication devices that lie in that boundary; *col. 2, lines 60-65; col. 7, lines 26-39; col. 9, lines 8-44; col. 4, lines 46-58*); comparing a distance with a list of proximity preferences from a profile database (A profile database for means of storing information pertaining the wireless communication devices such as their location, number, and other relevant information, subsequently comparing such information with the location of a communication source; *col. 3, lines 38-42; col. 4, lines 46-58; col. 6, lines 5-7; col. 8, lines 23-25; col. 9, lines 8-44*); and sending the location and identifier of the plurality of wireless communication devices satisfying the list of proximity preferences destined for reception at one of the plurality of wireless communication devices (Based on the specified location

information the system/network provides to the communication source or at least one wireless communication device with the location of a plurality of wireless communication devices that are closest to the communication source in the geographic location area specified by the communication source; *col. 6, lines 56-60; col. 8, lines 22-25*).

Regarding **claim 17**, Fomukong discloses a computer readable medium including computer instructions for a communication system (Wherein the portable remote units or wireless communication devices comprise computer readable capabilities such as allocated memory means, control means, input means, and output means such as a display; *col. 4, lines 46-52*), the computer instructions comprising instructions for: computing a distance between a received location indication of a wireless communication device and the location of at least one emergency service (A distressed user of a wireless communication device that request the location of at least one emergency service such as other wireless communication devices and in the process computing the distance between said distressed user and other wireless communication devices; *col. 2, lines 60-65; col. 7, lines 26-39; col. 9, lines 8-44; col. 4, lines 46-58*); comparing the distance with a proximity preference for the wireless communication device from a profile database (A profile database for means of storing information pertaining the wireless communication devices such as their location, number, and other relevant information, subsequently comparing such information with the location of a distressed mobile user; *col. 2, lines 12-18; col. 6, lines 5-7; col. 7, lines 22-37*); and sending an alert notification to one of the at least one emergency service



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satisfying the proximity preference for the wireless communication device (Based on the specified location information the system/network provides to the communication source or at least one wireless communication device with the location of a plurality of wireless communication devices that are closest to the communication source in the geographic location area specified by the communication source; *col. 6, lines 3-5 and lines 51-54; col. 7, lines 24-26; col. 8, lines 1-3; col. 10, lines 19-25*).

Regarding **claim 18**, and as applied to claim 17, Fomukong discloses the aforementioned computer readable medium, wherein the at least one emergency service comprises at least an individual with wireless communication device (Wherein such emergency service might comprise a portable remote unit or a wireless communication device closest to the location of a distressed mobile user; *col. 7, lines 22-26*).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Fomukong (U.S. P.G.-Pub. No. 2002/0183077)
- b. DeLorme (U.S. P.G.-Pub. No. 2003/0182052)
- c. Berstis (U.S. Pat. No. 6,650,894)
- d. Nocek et al. (U.S. Pat. No. 6587782)

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5. Any response to this Office Action should be **faxed to (703) 872-9306 or mailed to:**

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**Hand-delivered** responses should be brought to

Crystal Park II

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Sixth Floor (Receptionist)

6. Any inquiry concerning this communication on earlier communications from the Examiner should be directed to Ismael Quiñones whose telephone number is (703) 305-8997. The Examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

7. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marsha D. Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9301.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose number is (703) 305-4700 or call customer service at (703) 306-0377.

*Ismael Quiñones*

I.Q.

February 2, 2004

*Marsha D Banks-Harold*  
MARSHA D. BANKS-HAROLD  
SUPERVISORY PATENT EXAMINER  
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